

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JAMES L. FARLEY,

Defendant.

8:05CR306

ORDER

Defendant James L. Farley (Farley) appeared before the court for a detention hearing on November 10, 2010, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 94). Farley was represented by Barbara J. Thielen and the United States was represented by Assistant U.S. Attorney Nancy A. Svoboda. Previously, Farley had waived a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1) and he was scheduled for a dispositional hearing before Chief Judge Joseph F. Bataillon on December 3, 2010, at 11:00 a.m. Farley requested to be placed on electronic monitoring at his mother's residence. Farley presented letters from the Food Bank where he was employed and from the Crossroads Connection Prison Ministries regarding Farley's participation in their program. Farley was allegedly shot while stealing a vehicle from a residential driveway. He has an extensive criminal history and prior violations of his supervised release. Since it is Farley's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, I find he has failed to do so. Farley will be detained pending a dispositional hearing before Chief Judge Bataillon.

IT IS ORDERED:

1. Defendant James L. Farley is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
- 2.. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
3. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 10th day of November, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge